

Applicant : Douglas E. Meisner, et al.
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Attorney's Docket No.: 07844-334001 / P308

REMARKS

I. Interview Summary

Applicant would like to thank the Examiner for the courtesy of a telephonic interview on March 23, 2004. During the interview, claims 1 and 2 were discussed in view of U.S. Patent Number 5,748,342 to Usami ("Usami") and U.S. Patent Number 6,278,449 to Sugiarto et al. ("Sugiarto"). Applicant's representative presented a proposed amendment that explicitly recited that alternative compression settings define different compressed file sizes for an image. Although the Examiner agreed that the proposed amendment overcomes the rejection, he suggested that the amendment required further search. Therefore, no agreement was reached regarding patentability of the claims.

II. Claim rejections

Claims 1-44 are pending in this application. Claim 38 and 44 have been cancelled. Claims 45 and 46 have been added. Claims 1-3, 20-22, 25-29, 33, 37, 39 and 43 have been amended. Support for the amendment can be found at least on page 8, lines 11-30.

II. 1 Rejections under section 102

Claims 1, 18-25, 27 and 33-44 were rejected under 35 U.S.C. § 102(e) as being anticipated by Usami. Applicant respectfully traverses the rejections.

Claim 1 is an independent claim that, as amended, recites retrieving current user settings defining a first compressed file size for an image, and deriving alternative compression settings defining alternative compressed file sizes for the image. The alternative compressed file sizes are different from the first compressed file size. A plurality of variations of the image are substantially simultaneously presented to a user, where at least one variation is generated using one or more of the alternative compression settings that define an alternative compressed file size of the variation.

Usami discloses presenting multiple variations of an image. The variations are generated using alternative color mappings in a color space. Usami, however, fails to disclose or suggest

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alternative compression settings that define alternative compressed file sizes for the image, as recited in the claim. Thus claim 1 is allowable.

Claim 27, 33 and 39 are independent claims that, as amended, recite alternative compression settings defining alternative compressed file sizes for the image. As discussed above, this limitation is not disclosed or suggested by Usami. Thus claims 27, 33 and 39 are allowable.

Claims 18-25, 34-37 and 39-43 are dependent claims and are allowable for at least the same reasons as their respective base claims.

II. 2 Rejections under section 103

Claims 2, 26 and 28 were rejected under § 103(a) as being unpatentable over Usami in view of Sugiarto. Applicant respectfully traverses the rejections.

Claim 2 and 28, as amended, recite for each variation of the image estimating a respective amount of time required to download the variation. Although Sugiarto discloses estimating a download time, there is no motivation to estimate a respective time for each variation if the file size is not expected to change for the different variations, which is the case for Usami's variations. Indeed, Usami discloses only variations generated with different color mappings, not with alternative compression settings defining alternative file sizes. Therefore, no *prima facie* obviousness has been established, and claim 2 is allowable. Claim 26, as amended, depends from claim 2, and is allowable for at least the same reasons.

Claims 3-8, 16, 17 and 29-30 were rejected under § 103(a) as being unpatentable over Usami in view of U.S. Patent Number 6, 289,118 to Cossey ("Cossey"). The applicant respectfully traverses the rejections.

Claim 3 depends from claim 1. As discussed above with reference to claim 1, Usami fails to disclose or suggest deriving alternative compression settings defining alternative compressed file sizes for the image. Lacking such alternative compression settings, Usami cannot disclose or suggest presenting a plurality of variations of the image, where at least one

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variation is generated using alternative compression settings that define an alternative compressed file size of the variation. Cossey is also lacking.

Cossey discloses analyzing an image, and selecting an optimal algorithm for compressing the image. In Cossey, the selection is based exclusively on the analysis without presenting a plurality of variations of the image, where at least one variation is generated using alternative compression settings that define an alternative compressed file size of the variation. Therefore, no *prima facie* obviousness has been established, and claim 3 is allowable. Claims 4-8, 16 and 17 depend from claim 3, and are allowable for at least the same reasons.

Claim 29 depends from claim 27 and recites instructions to perform operations similar to the steps recited in claim 3. Therefore, claim 29 is allowable for at least the same reasons as claim 3. Claim 30 depends from claim 29 and is allowable for at least the same reasons.

Claims 9-15, 31 and 32 were rejected under § 103(a) as being unpatentable over Usami in view Cossey and further in view of U.S. Patent No. 5,748,763 to Rhoads ("Rhoads").

Claims 9-15 depend from claim 3. As discussed above with reference to claim 3, Usami and Cossey fails to disclose or suggest presenting a plurality of variations of the image, where at least one variation is generated using alternative compression settings that define an alternative compressed file size of the variation. Rhoads is also lacking. Rhoads discloses only hiding code signal in a movie, and compressing the movie in a format that does not destroy the code signal (col. 42, lines 13-51).

Claim 31 depends from claim 27 and recites instructions to perform operations similar to the steps recited in claim 9. Therefore, claim 31 is allowable for at least the same reasons as claim 9. Claim 32 depends from claim 31 and is allowable for at least the same reasons.

No fees are believed due, however, please apply any charges or credits to deposit account 06-1050.

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record in the applications is a registered practitioner who is a member of Fish & Richardson, which is the case in the present application. A copy of the Limited Recognition document, which expires November 10, 2004, is attached hereto.

Respectfully submitted,

Date: _____

4/23/2004



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